

PATENT
Attorney Matter No. 1266-030
58428US003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


First Named Inventor: Conner
Application Number: 09/681,184
Filing Date: February 14, 2001
Title: Dot-Sequential Color Display System
Date of Filing: September 2, 2003

Examiner: Nguyen, Hoan C.
Art Unit 2871

Date: September 2, 2003

Certificate of Transmission Under 37 C.F.R. § 1.8

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Mark M. Meininger (Registration No. 32,428)
Attorney of Record

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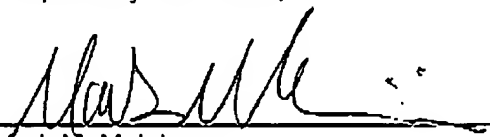
- Response to Restriction Requirement
- Three month extension of time is requested
- USPTO Credit Card Payment Form for payment of \$930 extension fee

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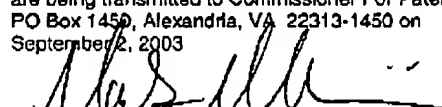
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In re application of Conner et al.

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
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In response to the restriction requirement dated May 2, 2003 concerning the above patent application, applicants elect claims 1-32 of Group I.

The restriction requirement further requires an election between Species A, B, and C if Group I is elected. (The requirement to elect a Species erroneously refers to Group II.) In response to the requirement to elect a species of Group I, applicants elect species B, relating to Fig. 18. The following claims are readable on the Group I,

Species B election:

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930.00 claims 1-7, 11, 12, 15-25, 29, and 30.

Applicants traverse the restriction requirement between Group I (claims 1-32) and Group II (claims 33-39) for the following reasons.

Claim 1 of Group I is directed to a color display system, and claim 33 of Group II is directed to a color display method with method steps that perform operations of the

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structures recited in claim 1. The Examiner states that "Inventions I and II are related as apparatus and product made." The Examiner then notes that inventions of these types are distinct if:

- (1) the apparatus as claimed is not an obvious apparatus for making the product and the apparatus can be used for making a different product or (2) that the product as claimed can be made by another and materially different apparatus (MPEP 806.05(g)).

Applicants submit that the restriction requirement is improper and should be withdrawn for lack of support. The rationale for the restriction requirement is applicable specific types of article claims: an apparatus and a product made by the apparatus. MPEP 806.05(g). As an example, such a relationship could be represented by a tool and a product made by the tool. Applicants submit that the claims of Groups I and II are not related as an apparatus and a product made by the apparatus.

The invention of Group I relates to a display apparatus, and the invention of Group II relates to a corresponding display method. If the invention of Group I is the "apparatus," the restriction analysis fails because the method of Group II is not a product made by that apparatus because the method is not a product/article. Likewise, the restriction analysis fails if the method of Group II is deemed to be the "apparatus" because a method is not an apparatus/article. Applicant submits, therefore, that the restriction requirement lacks support and should be withdrawn.

Moreover, applicants note that the Examiner justifies the restriction requirement by stating that "the color sub-pixels can be aligned by the field sequential display method" of prior art Fig. 2. The Examiner appears to submit that prior art Fig. 2 shows that the invention of Group II is distinct from the invention of Group I by showing that the prior art field sequential display method is a way of "dynamically aligning the color-component sub-pixels after the display element," as recited in claim 33 (Group II), that is distinct from the apparatus of claim 1 (Group I).

Applicant submits that such a justification fails to support the restriction requirement because prior art Fig. 2 illustrates the absence of "dynamically aligning the color-component sub-pixels after the display element." As a consequence, Fig. 2

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provides no support of distinctness between the claims of Groups I and II.

Times t1, t2, and t3 of Fig. 2 show that all pixels 40 receive the same color component at a time, as in a conventional field sequential display. With all pixels 40 being of the same color at each time, there is no need for and no functional benefit from dynamically aligning the color-component sub-pixels after the display element, as recited in the claims. In contrast, Fig. 3 show pixels 60 that receive interleaved color components at the times t1, t2, and t3 to which dynamic alignment of the color-component sub-pixels is applied.

Applicants submit, therefore, that prior art Fig. 2 provides no support for a showing of distinctness between the claims of Groups I and II. Instead, prior art Fig. 2 shows the absence of the need for or the use of dynamic alignment of color-component sub-pixels recited in the claims of Groups I and II. Applicants request, therefore, that the restriction requirement between the claims of Groups I and II be withdrawn.


In case the restriction requirement between the claims of Groups I and II is not withdrawn, applicants submit that the application includes claims generic to species A, B, and C of Group I. Upon allowance of such a generic claim, applicants are entitled to allowance of nonelected species A and C.

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Applicants submit that independent claims 1 and 19 are generic to the claims of species A, B, and C. As indicated above, claims 1-7, 11, 12, 15-25, 29, and 30 read upon elected species B. Claims 8 and 26 correspond to nonelected species A. Claims 9, 10, 27, and 28 correspond to nonelected species A. Claims 8-10 and 26-28 depend from independent claims 1 and 19, which are therefore generic to the nonelected species. Applicants submit, therefore, that upon allowance of either of claims 1 and 19, nonelected species A and C are also subject to allowance.

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